



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED

SEP 29 2000

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: Hong et al.
Application No.: 09/724,388
Filed: 11/28/00
For: Recombinant RSV Virus Expression
Systems and Vaccines

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,503.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Michael P. Tierney
MICHAEL P. TIERNEY
Administrative Patent Judge

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Filed September 29, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KARL KLAUS CONZELMANN
Junior Party
(U.S. Patent No. 6,033,886),

v.

JIN HONG, PETER PALESE,
AND DAVID K. CLARKE,
Senior Party
(U.S. Application No. 09/724,388).

Patent Interference No. 105,503 (MPT)
(Technology Center 1600)

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DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.
Details of the application(s), patent (if any), reissue application (if any), count(s) and claims
designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of
this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Michael P. Tierney has been designated to manage the
3 interference. Bd. R. 104(a).

4 **Part C. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION.
6 The STANDING ORDER applies to this interference.

7 **Part D. Initial conference call**

8 A telephone conference call to discuss the interference is set for **2:00 p.m. on November**
9 **16, 2006** (the Board will initiate the call).

10 No later than four business days prior to the conference call, each party shall file and
11 serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120
12 & 204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as Form 2 in the
14 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference
15 call and to agree on dates for taking action. A typical motion period lasts approximately eight (8)
16 months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: KARL KLAUS CONZELMANN, GERMANY

Involved Patent: U.S. Patent No. 6,033,886, issued March 7, 2000, based upon U.S.
Application No. 08/808,130, filed February 28, 1997.

Title: RECOMBINANT INFECTIOUS NON-SEGMENTED
NEGATIVE STRAND RNA VIRUS

Assignee: Akzo Nobel N.V.

Senior Party

Named Inventors: JIN HONG, CUPERTINO, CA
PETER PALESE, LEONIA, NJ
DAVID K. CLARKE, CHESTER, NY

Involved Application: U.S. Application No. 09/724,388, filed November 28, 2000

Title: RECOMBINANT RSV VIRUS EXPRESSION SYSTEMS AND
VACCINES

Assignee: Aviron, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned
exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for
initiating settlement discussions. SO ¶ 126.1.

1 The parties are accorded the following benefit for Count 1:

2 Hong is accorded priority benefit of the following applications:

3 1) U.S. Application No. 09/161,122, filed September 25, 1998, now
4 abandoned;

5 2) U.S. Application 08/316,439, filed September 30, 1994, now U.S. Patent
6 No. 5,840,520, issued November 24, 1998.

7
8 Conzelmann is accorded priority benefit of the following applications:

9 U.S. Application No. 08/503,351, filed July 18, 1995, now abandoned.
10

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see SO
3 ¶ 106.1.1:

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5 UNITED STATES PATENT AND TRADEMARK OFFICE

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8 BEFORE THE BOARD OF PATENT APPEALS
9 AND INTERFERENCES

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11
12 KARL KLAUS CONZELMANN
13 Junior Party
14 (U.S. Patent No. 6,033,886),

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16 v.

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18 JIN HONG, PETER PALESE,
19 AND DAVID K. CLARKE,
20 Senior Party
21 (U.S. Application No. 09/724,388).

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24 Patent Interference No. 105,503 (MPT)
25 (Technology Center 1600)

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28 **Part H. Order form for requesting file copies**

29 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the
30 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle
31 around the patents and applications for which a copy of a file wrapper is requested.

32
 /Michael P. Tierney/
 Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,033,886
Copy of claims of 09/724,388

Revised 3 January 2006

cc (via overnight delivery):

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